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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. *2011-506*

13 **ALIA SOSSOUS,**
14 **a.k.a. ALIA B. SOSSOUS,**
15 **a.k.a. ALIA BAPTISTE SOSSOUS**
16 **P.O. Box 290244**
17 **Tampa, Florida 33687**

18 **STATEMENT OF ISSUES**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
23 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing
24 ("Board"), Department of Consumer Affairs.
25 2. On or about February 4, 2010, the Board received an application for a registered
26 nurse license from Alia Sossous, also known as Alia B. Sossous and Alia Baptiste Sossous
27 ("Respondent"). On or about January 29, 2010, Respondent certified under penalty of perjury to
28 the truthfulness of all statements, answers, and representations in the application. The Board
denied the application on August 17, 2010.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

....

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made . . .

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof . . .

6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

7. California Code of Regulations, title 16, section 1444, states, in pertinent part:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160 . . .

CAUSE FOR DENIAL

(Criminal Conviction for Child Abuse)

8. Respondent's application for a registered nurse license is subject to denial pursuant to Code sections 2736, 2761, subdivision (f), 480, subdivision (a)(1), and 480, subdivision (a)(3)(A), in that on or about December 13, 2000, in the criminal proceeding titled *State of Florida vs. Alia B. Sossous* (Circuit Ct., Hillsborough County, 2000, Case No. 99-20373), Respondent pled guilty to violating Florida Statutes section 827.03, subdivision (1) (third degree child abuse, a felony), a crime substantially related to the qualifications, functions, and duties of a registered nurse. Respondent was also charged with aggravated child abuse (malicious punishment, a second degree felony), in violation of Florida Statutes section 827.03, subdivision (2)(b); however, that charge was withdrawn in view of Respondent's plea as above. Respondent was placed on probation for four years under certain conditions, including that Respondent undergo a mental health evaluation and take classes in parenting and anger management. The circumstances of the crime are as follows: On or about November 11, 1999, Respondent turned on the kitchen stove at her home and proceeded to burn three fingers on the victim's (her biological daughter) left hand (thumb, index, and middle finger), one by one, in succession. Further, in and between October and November 1999, Respondent used an electric cord and a belt and battered the victim about her back, buttocks, and legs on more than one occasion, resulting in numerous marks and scars. Respondent was a certified nursing assistant in the State of Florida and was employed at St. Joseph's Health Care located in Tampa, Florida, at the time of the incident.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Alia Sossous, also known as Alia B. Sossous and Alia Baptiste Sossous, for a registered nurse license;

2. Taking such other and further action as deemed necessary and proper.

DATED: 12-9-10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
~~Interim~~ Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant